

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. 21-CR-62-CJW
vs.)
STEPHEN ALBERT,) DEFENDANT'S TRIAL MEMORANDUM
Defendant.)

The Defendant, Stephen Albert, submits the following trial memorandum.

I. PRETRIAL STATEMENT AS TO THE STATUS OF THE CASE

- A. This case is set for jury selection on the morning of March 7, 2022, with trial to commence that afternoon.
- B. The estimate for the duration of the trial is 2-3 days.
- C. Defendant is detained.
- D. An interpreter is not needed.
- E. It is not proposed that a jury be waived.
- F. Defendant is charged with one count of sexual abuse by threat and force, in violation of 18 U.S.C. § 2242(1) and sexual abuse of a minor, in violation of 18 U.S.C. § 2243(a).

II. EVIDENTIARY ISSUES

- A. Defendant's Motion in Limine

Defendant filed motions in limine on February 17, 2022, and February 23, 2022. Doc. 34, and 41. The Government filed its resistance on February 22, 2022. Doc. 38. The parties await the Court's ruling.

B. Stipulations and Exhibits

1. Stipulations

The parties have stipulated to the Defendant's status as an Indian, and that certain locations are within Indian Country, on the Sac and Fox Tribe of the Mississippi in the Iowa Meskwaki Settlement. The parties also stipulated to the paternity of a minor child, V.R.

2. Exhibits

The parties will list and exchange exhibits and confer regarding the admissibility of exhibits in accordance with the Court's Order. Docket No. 15.

C. Witnesses

The parties have disclosed their witness lists.

III. JURY INSTRUCTIONS

The parties have filed proposed jury instructions. Doc. 39. They are awaiting the Court's proposed instructions.

IV. EXPERTS

The defense does not intend to call any expert witnesses at trial.

V. MISCELLANEOUS

If the Court allows the government to present evidence of Mr. Albert's convictions for Incest in Tama County case FECR016934, then Mr. Albert may call Assistant State Public Defender Scott Hunter as a witness. Mr. Hunter was Mr. Albert's attorney in the Tama County case. The defense does not intend to elicit testimony concerning what was said during attorney-client conversations, and therefore, the defense does not believe it is necessary for Mr. Albert to waive the attorney-client privilege vis-à-vis Mr. Hunter. Further, the defense may have Mr. Hunter testify concerning statements made by the court at Mr. Albert's sentencing hearing in

FECR016934. The defense asserts that such statements should be admissible even though they constitute out of court statements by Sixth Judicial District Court Judge Christopher Bruns, since the statements do not have the trappings of inherent unreliability. To put it differently, such statements, made by a judge in open court, on the record, have sufficient guarantees of trustworthiness. Fed.R.Evid. 807.

VI. CONCLUSION

It is anticipated that this case will proceed to trial and will not be resolved by a plea.

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CERTIFICATE OF SERVICE
I hereby certify that on February 27, 2022, I electronically filed this document with the Clerk of Court using the ECF system which will serve it on the appropriate parties.

By: /s/ Jill Johnston

BY: /s/ Jill M. Johnston
JILL M. JOHNSTON
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ATTORNEY FOR DEFENDANT